

JOHN E. LAHERTY, OSB# 036084
Deschutes County Senior Assistant Legal Counsel
E-mail address: john.laherty@deschutes.org
1300 NW Wall Street, Suite 205
Bend, OR 97703
Telephone: (541) 388-6623
Facsimile: (541) 617-4748
Attorney for Defendants Deschutes County, Michael
Molan, Andrew Farley and Broch Ingraham

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

BRYAN MARTIN BEYER,

Plaintiff,

vs.

**DESCHUTES COUNTY, SGT MICHAEL
MOLAN, DEPUTY ANDREW FARLEY,
DEPUTY BROCH INGRHAM, and JOHN
DOES 1-10,**

Defendants.

Civil No. 6:24-cv-00037-IM

**DEFENDANTS' MOTION TO DISMISS
PURSUANT TO FRCP 41(b)**

CERTIFICATE OF CONFERRAL

Counsel for Defendants Deschutes County, Michael Molan, Andrew Farley and Broch Ingraham (collectively, "Defendants") hereby certifies that, in compliance with LR 7-1, he attempted to confer with Plaintiff prior to filing this motion but has been unable to speak with him. *See* Declaration of John Laherty in Support of Defendants Motion to Dismiss Pursuant to FRCP 410(b) for full explanation of effort to confer.

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MOTION

Come now Defendants, through their attorney of record, John E. Laherty, Deschutes County Senior Assistant Legal Counsel, and move this court to dismiss this lawsuit and all of Plaintiff's claims against defendants with prejudice, for the reasons set forth herein.

Pursuant to FRCP 41(b), "If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." In this case, the Court entered an "Order Granting Motion and Ordering Response from Plaintiff" (the "Order") on March 5, 2025. Doc. # 23. As part of that Order, Plaintiff was ordered to "notify this Court within 21 days of the mailing of this Order whether he intends on continuing to pursue this case. Failure to do so may result in dismissal of the case pursuant to Federal Rule of Civil Procedure 41(b)." *See Order (Doc # 23).*

The Court mailed the Order to Plaintiff on March 7, 2025. On March 13, 2025, the Court's mail was returned as Not Deliverable (Doc # 24). The deadline for Plaintiff to contact the Court--March 28, 2025--has now passed, and Plaintiff has not contacted the court or otherwise complied with the court's March 5, 2025 Order.

For the foregoing reasons, Defendants move to dismiss this lawsuit and all of Plaintiff's claims against Defendants with prejudice, pursuant to FRCP 41(b),.

DATED: April 29, 2025.

/s/ John E. Laherty
 John E. Laherty OSB #036084
 Senior Assistant Legal Counsel
 1300 NW Wall St., Ste. 205, Bend, OR 97703
 541-330-4645
 John.laherty@deschutes.org

Of Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the date listed below, I caused true and correct copies of the foregoing **DEFENDANTS' MOTION TO DISMISS PURSUANT TO FRCP 41(b)** to be served upon the following listed party(ies) by:

 NOTICE OF ELECTRONIC FILING USING THE Cm/ECF SYSTEM upon the following parties to the above entitled action on the date set forth below:

XX U.S. Mail, First Class, Postage Prepaid on the date set forth below.

Bryan Martin Beyer
64221 Schibel Road
Bend, OR 97703-8256
Plaintiff

DATED: April 29, 2025.

/s/ John E. Laherty

John E. Laherty OSB #036084
Senior Assistant Legal Counsel
1300 NW Wall St., Ste. 205, Bend, OR 97703
541-330-4645
John.laherty@deschutes.org

Of Attorneys for Defendants